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EXAMINER	
DUONG, FRANK	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,291	EL-GEBALY ET AL.	
	Examiner	Art Unit	
	Frank Duong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-19 and 21-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-19 and 21-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is a response to communications dated 04/27/06. Claims 1-5, 7-19, and 21-30 are pending in the application.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(f) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: Brief Summary of the Invention is needed to comply with the USPTO Guidelines above.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. Claims 12-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A client application" as recited in claims 12-18, considered in view of the description on page 9 of the specification and in reference to Fig. 4, is a software or computer program per se. The computer program per se claims without the computer-readable medium needed to realize the computer program's functionality is non-statutory.

Claim Obj ctions

5. Claims 1 and 8 are objected to because of the following informalities:

As per claim 1, lines 3 and 6, "the received input" should be changed to --the received user input--.

As per claim 8, line 1, the term "capable of" should be deleted. A reason for doing is that "capable of" does not recite positive limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Huitema et al (AN ARCHITECTURE FOR RESIDENTIAL INTERNET TELEPHONE SERVICE, IEEE, pages 73-82, 1999) (hereinafter "Huitema").

Regarding **claim 1**, in accordance with Huitema reference entirety, Huitema shows a system (Figures 2 & 3) comprising:

a stimulus client (RGW) configured to receive user input (User A) (*Digits dialed*) requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol (MGCP) (*page 79, right column, in reference to Figure 2, it is disclosed when the caller goes off hook,*

the RGW sends a Notify message to the call agent that an off-hook event has occurred. The call agent immediately acknowledges that notification and examines the services associated with an off-hook action); and

a call agent (*Call agent*), executing on a remote server connected to the packet-based network (*Voice IP network*) (*see Figure 1 for location/connection details*), configured to perform the requested IP telephony service based on the received input, wherein the received user input comprises Dual Tone Multi-Frequency DTMF input (*page 79, right column, in reference to Figure 2, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits is the DTMF input from the user*).

Regarding **claim 2**, in addition to features recited in base claim 1 (see rationales discussed above), Huitema further shows he stimulus client comprises an application layer configured to communicate with an end-user (*not shown; inherent as discussed on page 75 pertaining the Residential Gateway functionalities including capturing events associated with an IP telephony subscriber and working with the IP network to signal these events to the call agent*) and a call control protocol stack configured to communicate with the call agent using the standard call control protocol (MGCP) (*not shown; inherent as depicted in the dotted lines signaling between RGW and Call Agent in Figure 1 using MGCP*).

Regarding **claim 3**, in addition to features recited in base claim 2 (see rationales discussed above), Huitema further shows the stimulus client's call control protocol stack

comprises a Media Gateway Control Protocol (MGCP) stack (*not shown; inherent as depicted in the dotted lines signaling between RGW and Call Agent in Figure 1 using MGCP*).

Regarding **claim 4**, in addition to features recited in base claim 2 (see rationales discussed above), Huitema further shows the stimulus client's call control protocol stack comprises an ITU-T H.248 stack (H.248 is equated to correspond to "MGCP". Thus, same rationales discussed above are applied).

Regarding **claim 12**, in accordance with Huitema reference entirety, Huitema discloses a client application comprising:

an application layer configured to receive Dual Tone Multi-Frequency (DTMF) input corresponding to a requested Internet Protocol (IP) telephony service (*page 79, right column, in reference to Figure 2, it is disclosed when the caller goes off hook, the RGW sends a Notify message to the call agent that an off-hook event has occurred. The call agent immediately acknowledges that notification and examines the services associated with an off-hook action. In addition, application layer is not shown, but inherent because on page 75 pertaining the Residential Gateway functionalities, it is disclosed the capturing events associated with an IP telephony subscriber and working with the IP network to signal these events to the call agent are included in the Residential Gateway)*; and

a call control protocol stack configured to communicate the received DTMF input to a feature server (Call agent) over a packet-based network (Voice IP network) using a standard call control protocol (MGCP) (*page 79, right column, in reference to Figure 2, it*

is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits are the DTMF input from the user. In addition, as depicted in Figure 1 dotted line, the RGW communicates with the call agent using MGCP).

Regarding **claim 14**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows the call control protocol comprises a Media Gateway Control Protocol (MGCP) (*see Figure 1; MGCP*).

Regarding **claim 15**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows the call control protocol comprises an ITU-T H.248 stack (*H.248 is equated to correspond to "MGCP". Thus, same rationales discussed above are applied*).

Regarding **claim 16**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows substantially absent software infrastructure for performing IP telephony services locally (*see Figures 1, 2 and 3, Huitema shows no IP telephony software in RGW. In addition, on page 75, left column, it is disclosed the RGW has limited functionality*).

Regarding **claim 17**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows a set of interpreted commands (*the interpreted commands are depicted in Figures 3 and 4, i.e., Off hook, Provide dial tone and collect digits ...etc*).

Regarding **claim 18**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows an applet performed by a virtual machine (*this limitation is equate to corresponding to computer program running on the RGW*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5, 13 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of Barker et al (USP 6,470,020) (hereinafter "Barker").

Regarding **claim 5**, in addition to features recited in base claim 2 (see rationales discussed above), Huitema fails to further disclose the application layer comprises a user interface having a plurality of graphical controls. However, such limitation lacks thereof from the Huitema's teaching is well known and taught by Barker.

In an analogous art, Barker teaches an apparatus and method for integrating stimulus signalling protocol systems with message protocol systems, comprising, among other things, the limitation of "*the application layer comprises a user interface having a plurality of graphical controls*" ('*020, Figure 7 and col. 6, lines 29-34 and*

thereinafter) to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implementing Barker's teaching into Huitema's to arrive the claimed invention with a motivation to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Regarding **claim 13**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema fails to further disclose the application layer comprises a user interface having a plurality of graphical controls. However, such limitation lacks thereof from the Huitema's teaching is well known and taught by Barker.

In an analogous art, Barker teaches an apparatus and method for integrating stimulus signalling protocol systems with message protocol systems, comprising, among other things, the limitation of "*the application layer comprises a user interface having a plurality of graphical controls*" ('*020, Figure 7 and col. 6, lines 29-34 and thereinafter*) to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implementing Barker's teaching into Huitema's to arrive the claimed invention with a motivation to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Regarding **claim 24**, in accordance with Huitema reference entirety, Huitema discloses computer software stored in a computer-readable medium comprising:

receive from a user Dual Tone Multi-Frequency (DTMF) input corresponding to a requested IP telephony service; and communicate the received DTMF input to a feature server (Call agent) over a packet-switched network (*Voice IP network*) using a standard call control protocol (*MGCP*) (*page 79, right column, in reference to Figure 3, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits are the DTMF input from the user. In addition, as depicted in Figure 1 dotted line, the RGW communicates with the call agent using MGCP).* Huitema fails to further disclose the limitation of "*present a telephony user interface that includes graphical controls for receiving input from a user*". However, such limitation lacks thereof from Huitema's teaching is well known and taught by Baker.

In an analogous art, Barker teaches an apparatus and method for integrating stimulus signalling protocol systems with message protocol systems, comprising, among other things, the limitation of "*the application layer comprises a user interface having a plurality of graphical controls*" ('*020, Figure 7 and col. 6, lines 29-34 and thereinafter*) (corresponding to "*present a telephony user interface that includes graphical controls for receiving input from a user*") to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implementing Barker's teaching into Huitema's to arrive the claimed

invention with a motivation to provide a system that is compatible with message protocol systems (*'020, col. 3, lines 36-41*).

Regarding **claim 25**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses instructions to receive information from the feature server and use the received information to control elements of the telephony user interface (*Huitema, Figure 3 or 4; Provide dial tone and collect digits*).

Regarding **claim 26**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the standard call control protocol comprises a stimulus protocol (*Huitema, Fig. 1; dotted line (MGCP*).

Regarding **claim 27**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the standard call control protocol comprises a Media Gateway Control Protocol (MGCP) (*Huitema, Fig. 1; dotted line (MGCP*).

Regarding **claim 28**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the standard call control protocol comprises an ITU-T 11.248 protocol.

Regarding **claim 29**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the instructions to communicate the received DTMF input to the feature server comprise a call control protocol stack.

8. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of "Kaczmarczyk et al (USP 6,950,441) (hereinafter "Kaczmarczyk").

Regarding **claim 7**, in addition to features recited in base claim 1 (see rationales discussed above), Huitema fails to further teach the limitations of "*the call agent comprises: a feature server configured to provide telephony services to telephony endpoints; a signaling gateway configured to facilitate communication between the feature server and one or more endpoints; and one or more call control protocol stacks configured to facilitate signaling between the call agent and the one or more endpoints*". However, such limitations lack thereof from Huitema is well known and disclosed by Kaczmarczyk.

In an analogous art, Kaczmarczyk shows a softswitch ('441, Fig. 4) comprising, among other things, the limitations of "the call agent (140) comprises: a feature server (106) configured to provide telephony services to telephony endpoints; a signaling gateway (138) configured to facilitate communication between the feature server and one or more endpoints; and one or more call control protocol stacks (146) configured to facilitate signaling between the call agent and the one or more endpoints" (see '441, col. 5, line 45 to col. 6, line 10 for description of softswitch of Fig. 4). The Kaczmarczyk's softswitch provides transparent bridging of the media, control and application layers between IN (Intelligent Network) and IP networks *('441, col. 1, lines 65-67*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implement Kaczmarczyk's teaching into Huitema's or to replace Huitema's

RGW and Call agent with Kaczmarczyk's softswitch to arrive the claimed invention with a motivation to provide transparent bridging of the media, control and application layers between IN (Intelligent Network) and IP networks *('441, col. 1, lines 65-67*).

Regarding **claims 8-11**, in addition to features recited in base claim 7 (see rationales discussed above), Huitema in view of Kaczmarczyk further discloses supplementary services to include H.450, MGCP, H.238, SIP and H.323 (see '441, Fig. 4).

9. Claims 19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of the admitted prior art.

Regarding **claim 19**, in accordance with Huitema reference entirety, Huitema discloses a method (*Figure 3 or 4*) comprising:

receiving at the IP telephony client input from a user (User A) identifying a telephony service (*Dial tone and Digits*); communicating the received input (Digits dialed) to a feature server (Call agent); and based on the communicated input, performing the identified telephony service at the feature server (Call Agent), wherein the received user input comprises Dual Tone Multi-Frequency (DTMF) input (*page 79, right column, in reference to Figure 2, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits are the DTMF input from the user. In addition, as depicted in Figure 1 dotted line, the RGW communicates with the call agent using MGCP).* Huitema fails to explicitly disclose the

limitation of "*in response to receiving user input requesting initiation of Internet Protocol (IP) telephony service, downloading and launching an IP telephony client application*". However, such limitation lacks thereof from Huitema's teaching is well known and disclosed in the admitted prior art (*instant application, page 3, paragraph [0010]*) to provide the user a way of downloading software for IP telephony service from any personal computer.

Thus, it would have been obvious to those skilled in the art at the time of the invention to implement the teaching of the admitted prior art into Huitema's to arrive the claimed invention with a motivation to provide the user a way of downloading software for IP telephony service from any personal computer.

Regarding **claim 21**, in addition to features recited in base claim 19 (see rationales discussed above), Huitema in view of the admitted prior art also discloses transparently downloading, from a user's perspective, a set of commands to be interpreted and performed by a process executing on a computer platform associated with the user (*note: transparent downloading feature is commonly or inherently from downloading software from a website and the interpreted commands are depicted in Figures 3 and 4, i.e., Off hook, Provide dial tone and collect digits ...etc*).

Regarding **claim 22**, in addition to features recited in base claim 21 (see rationales discussed above), Huitema in view of the admitted prior art also discloses the set of commands comprises an applet to be performed by a virtual machine executing on the computer platform associated with the user (*this limitation is equate to corresponding to computer program running on the Huitema's RGW*).

Regarding **claim 23**, in addition to features recited in base claim 19 (see rationales discussed above), Huitema in view of the admitted prior art also discloses the IP telephony client communicates with the feature server using a standard call control protocol (see *Figure 1, dotted line, the RGW communicates with the call agent using MGCP).*

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of Barker as applied to claim 24 above, and further in view of the admitted prior art of record.

Regarding **claim 30**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker fails to further teach "*instructions to receive user input requesting initiation of Internet Protocol (IP) telephony service and, in response to the received user input, download and launch an IP telephony client application*". However, such limitation lacks thereof from Huitema in view of Barker is well known and taught in the admitted prior art (*instant application, page 3, paragraph [0010]*) to provide the user a way of downloading software for IP telephony service from any personal computer.

Thus, it would have been obvious to those skilled in the art at the time of the invention to implement the teaching of the admitted prior art into Huitema's to arrive the claimed invention with a motivation to provide the user a way of downloading software for IP telephony service from any personal computer.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arango et al (USP 6,724,747).

Elliott et al (USP 6,614,781).

Christie (USP 6,754,180).

Ress et al (USP 6,885,658).

Perinpanathan et al (USP 6,944,166).

Korpi et al, Supplementary Service in the H.323 IP Telephony Network, IEEE, pages 118-125, July 1999.

Lakshmi-Ratan, The Lucent Technologies Softswitch-Realizing the Promise of Convergence, Bell Labs Technical Journal, pages 174-195, 1999.

Taylor, Megaco/H.248: A New Standard for Media Gateway Control, IEEE, pages 124-132, IEEE, October 2000.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FRANK DUONG
PRIMARY EXAMINER

July 6, 2006